

<p>Attorney or Party Name, Address, Telephone &amp; FAX Nos., State Bar No. &amp; Email Address</p> <p>Allen A. Sarkisian, Esq. (SBN: 228409) LAW OFFICES OF ALLEN A SARKISIAN, A.P.L.C. 520 East Broadway, Suite 203 Glendale, CA 91205</p> <p>Tel: (818) 291-0047 Fax: (818) 291-0049 Email: salmast@hotmail.com</p> <p><input type="checkbox"/> Debtor appearing without attorney <input checked="" type="checkbox"/> Attorney for Debtor</p>	<p>FOR COURT USE ONLY</p>
<p><b>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES DIVISION</b></p>	
<p>In re:</p> <p>ARAM A. VARDANYAN</p> <p>Debtor(s).</p>	<p>CASE NO.: 13-36586-RK CHAPTER: 7</p>
	<p><b>NOTICE OF MOTION AND MOTION TO AVOID LIEN UNDER 11 U.S.C. § 522(f) (REAL PROPERTY)</b></p>
	<p>[No hearing required unless requested under LBR 9013-1(o)]</p>

**Creditor Name:** BH FINANCIAL SERVICES, LLC

1. TO THE CREDITOR, CREDITOR'S ATTORNEY AND OTHER INTERESTED PARTIES:
2. NOTICE IS HEREBY GIVEN that the Debtor hereby moves this court for an order, without a hearing, avoiding a lien on the grounds set forth below.
3. **Deadline for Opposition Papers:**  
Pursuant to LBR 9013-1(o), any party objecting to the motion may file and serve a written objection and request a hearing on this motion. If you fail to file a written response within 14 days of the date of service of this notice of motion and motion, plus an additional 3 days unless this notice of motion and motion was served by personal delivery or posting as described in F.R.Civ.P. 5(b)(2)(A)-(B), the court may treat such failure as a waiver of your right to oppose this motion and may grant the requested relief.

4. **Type of Case:**

- a. ☒ A voluntary petition under chapter ☒ 7 ☐ 11 ☐ 12 ☐ 13 was filed on: 11/01/2013
- b. ☐ An involuntary petition under chapter ☐ 7 ☐ 11 was filed on: \_\_\_\_\_
- ☐ An order of relief under chapter ☐ 7 ☐ 11 was entered on: \_\_\_\_\_
- c. ☐ An order of conversion to chapter ☐ 7 ☐ 11 ☐ 12 ☐ 13 was entered on: \_\_\_\_\_
- d. ☐ Other: \_\_\_\_\_

5. **Procedural Status:**

- a. ☒ Name of trustee appointed (if any): Heide Kurtz
- b. ☐ Name of attorney of record for trustee (if any): \_\_\_\_\_

6. Debtor claims an exemption in the subject real property under:

- a. ☒ California Code of Civil Procedure § 703.140(b)(1) (Homestead): Exemption amount claimed on schedules: \$ 299,347.00
- b. ☐ California Code of Civil Procedure § \_\_\_\_\_ Exemption amount claimed on schedules: \$ \_\_\_\_\_
- c. ☐ Other statute (specify): \_\_\_\_\_

7. Debtor's entitlement to an exemption is impaired by judicial lien, the details of which are as follows:

- a. Date of entry of judgment (specify): 01/16/2009
- b. Case name (specify): BH Financial Services, LLC v. Aram Vardanyan
- c. Docket number (specify): 07C06731
- d. Date of recordation of lien (specify): 06/06/2008
- e. Recorder's instrument number or map/book/page (specify): 20081005242

8. The property claimed to be exempt is as follows:

- a. Street address (specify): 750 N. Whitnall Hwy, Apt. G, Burbank, CA 91505
- b. Legal description (specify): \_\_\_\_\_ ☒ See attached page

9. Debtor acquired the property claimed exempt on the following date (specify): 08/12/2002

10. Debtor alleges that the fair market value of the property claimed exempt is: \$ 300,000.00

11. The subject property is encumbered with the following liens (list mortgages and other liens in order of priority and place an "X" as to the lien to be avoided by this motion):

Name of Lien Holder	X	Date Lien Recorded	Original Lien Amount	Current Lien Amount	Date of Current Lien
Wells Fargo Home Mortgage	<input type="checkbox"/>	08/12/2002	\$ 195,000.00	\$ 297,124.92	05/19/2014
Fidelity Recovery, LLC	<input type="checkbox"/>	03/19/2009	\$ 17,373.58	\$ 17,373.58	05/19/2014
LVNV Funding, LLC	<input type="checkbox"/>	02/20/2009	\$ 7,949.71	\$ 7,949.71	05/19/2014
BH Financial Services, LLC	<input checked="" type="checkbox"/>	06/06/2008	\$ 5,120.03	\$ 5,120.03	05/19/2014

4. **Type of Case:**

- a. ☐ A voluntary petition under chapter ☐ 7 ☐ 11 ☐ 12 ☐ 13 was filed on: \_\_\_\_\_
- b. ☐ An involuntary petition under chapter ☐ 7 ☐ 11 was filed on: \_\_\_\_\_  
☐ An order of relief under chapter ☐ 7 ☐ 11 was entered on: \_\_\_\_\_
- c. ☐ An order of conversion to chapter ☐ 7 ☐ 11 ☐ 12 ☐ 13 was entered on: \_\_\_\_\_
- d. ☐ Other: \_\_\_\_\_

5. **Procedural Status:**

- a. ☐ Name of trustee appointed (if any): \_\_\_\_\_
- b. ☐ Name of attorney of record for trustee (if any): \_\_\_\_\_

6. Debtor claims an exemption in the subject real property under:

- a. ☐ California Code of Civil Procedure § \_\_\_\_\_ (Homestead): Exemption amount claimed on  
schedules: \$ \_\_\_\_\_
- b. ☐ California Code of Civil Procedure § \_\_\_\_\_ Exemption amount claimed on  
schedules: \$ \_\_\_\_\_
- c. ☐ Other statute (specify): \_\_\_\_\_

7. Debtor's entitlement to an exemption is impaired by judicial lien, the details of which are as follows:

- a. Date of entry of judgment (specify): \_\_\_\_\_
- b. Case name (specify): \_\_\_\_\_
- c. Docket number (specify): \_\_\_\_\_
- d. Date of recordation of lien (specify): \_\_\_\_\_
- e. Recorder's instrument number or map/book/page (specify): \_\_\_\_\_

8. The property claimed to be exempt is as follows:

- a. Street address (specify): \_\_\_\_\_
- b. Legal description (specify): \_\_\_\_\_ ☐ See attached page

9. Debtor acquired the property claimed exempt on the following date (specify): \_\_\_\_\_

10. Debtor alleges that the fair market value of the property claimed exempt is: \$ \_\_\_\_\_

11. The subject property is encumbered with the following liens (list mortgages and other liens in order of priority and place an "X" as to the lien to be avoided by this motion):

Name of Lien Holder	X	Date Lien Recorded	Original Lien Amount	Current Lien Amount	Date of Current Lien
CACH, LLC	<input type="checkbox"/>	06/22/2012	\$ 5,568.83	\$ 5,568.83	05/19/2014
	<input type="checkbox"/>		\$	\$	
	<input type="checkbox"/>		\$	\$	
	<input type="checkbox"/>		\$	\$	

12. Debtor attaches copies of the following documents in support of the motion (as appropriate):

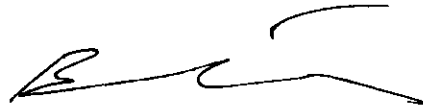
- a. ☒ Schedule C listing all exemptions claimed by Debtor
- b. ☐ Appraisal of the property
- c. ☐ Documents showing current balance due as to the liens specified in paragraph 11 above
- d. ☒ Recorded Abstract of Judgment
- e. ☐ Recorded Declaration of Homestead (Homestead Exemption)
- f. ☐ Declaration(s)
- g. ☒ Other (*specify*): Schedule "A"; Statement of Financial Affairs; Broker's Opinion (with supporting Declaration and exhibits); Payoff Statement; AND Deed of Trust.

13. Total number of attached pages of supporting documentation: 55

14. Debtor declares under penalty of perjury under the laws of the United States that the foregoing is true and correct.

WHEREFORE, Debtor prays that this court issue an order (a copy of the form of which is submitted herewith and has been served) avoiding the creditor's lien.

Date: 05/16/2014

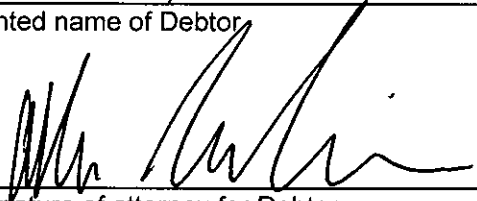


\_\_\_\_\_  
Signature of Debtor

Aram A. Vardanyan

\_\_\_\_\_  
Printed name of Debtor

Date: 05/16/2014



\_\_\_\_\_  
Signature of attorney for Debtor

Allen A. Sarkisian

\_\_\_\_\_  
Printed name of attorney for Debtor

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
520 East Broadway, Suite 203, Glendale, CA 91205.

A true and correct copy of the foregoing document entitled: **NOTICE OF MOTION AND MOTION TO AVOID LIEN UNDER 11 U.S.C. § 522(f) (REAL PROPERTY)** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) \_\_\_\_\_, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☐ Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL:**

On (date) 05/16/2014, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

SEE ATTACHMENT

☒ Service information continued on attached page

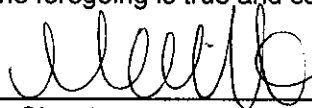
3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) \_\_\_\_\_, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

05/16/2014  
Date

Marina Hagnazarian  
Printed Name

  
Signature

**SERVICE LIST**

**By U.S. Mail**

Honorable Robert N. Kwan  
U.S. BANKRUPTCY COURT  
255 East Temple Street, Suite 1682  
Los Angeles, CA 90012  
***U.S. Bankruptcy Court Judge***

Office of the United States Trustee  
915 Wilshire Boulevard, Suite 1850  
Los Angeles, CA 90017

Heide Kurtz, Esq.  
2515 S. Western Avenue #11  
San Pedro, CA 90732  
***Chapter 7 Trustee***

BH Financial Services, Inc.  
8581 Santa Monica Boulevard, Suite 552  
Los Angeles, CA 90069  
***Creditor***

Law Offices of Kenosian & Miele, LLP  
8581 Santa Monica Boulevard, Suite 17  
Los Angeles, CA 90069  
***Attorneys for BH Financial Services, Inc.***

Steven Goldstein  
8581 Santa Monica Boulevard, Suite 552  
Los Angeles, CA 90069  
***Agent For Service of Process***